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Fifty-seventh year

Identical letters dated 21 February 2002 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government and further to the report of the Secretary-General on the situation covering Western Sahara of 19 February 2002 (S/2002/178), I have the honour to transmit to you the following comments and observations:

1. Algeria would first of all like to express its appreciation and gratitude to the Secretary-General and to his Personal Envoy, James Baker III, for their untiring efforts to achieve a just and lasting settlement of the question of Western Sahara. In this connection, it would like to commend the realism, lucidity and objectivity demonstrated by them in drafting the report and its conclusions.

2. Algeria considers that, after the legal opinion of 29 January 2002 (S/2002/161) — which clearly and appropriately recalled and confirmed the fact that the Kingdom of Morocco is unlawfully occupying Western Sahara and that, consequently, it cannot claim any legitimacy or international recognition, except as an occupying Power — the report of the Secretary-General reminds us, in paragraph 48, that if the settlement plan (see S/21360 and Corr.1 and S/22464) agreed by the two parties to the conflict, the Kingdom of Morocco and Western Sahara, and endorsed by the Security Council and the General Assembly of the United Nations, has not been applied and if its implementation is likely to face further obstacles in the future, it is because "Morocco has expressed unwillingness to go forward with the settlement plan".

3. Algeria has taken note of the four options presented in the report (paras. 48-51) and would like to explain to the members of the Council its position concerning each of the possibilities envisaged by the Secretary-General and his Personal Envoy:

- It goes without saying that the first option is the one most acceptable to Algeria, which has always fully supported implementation of the settlement

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plan, convinced that the holding of a free and impartial referendum on self-determination is the right course and the most appropriate way of enabling the people of Western Sahara, under Moroccan occupation, to decide freely on their destiny in accordance with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and with the relevant resolutions of the General Assembly and the Security Council.

Algeria considers that the settlement plan can be implemented and the decolonization process in Western Sahara can be successfully completed, if only the United Nations would demonstrate the necessary commitment. In this connection, the proposal by the Secretary-General and his Personal Envoy not to require the concurrence of both parties — a requirement which has enabled one of the parties now identified by the Secretary-General, as I stated earlier, to delay for over 10 years the holding of a referendum on self-determination — would permit an orderly and smooth implementation of the plan.

- On a number of occasions, Algeria has formally expressed its opposition to the draft framework agreement, specifically on the grounds that this draft — which dates back, as indicated in paragraph 35 of the report of the Secretary-General, to the Berlin meeting of 28 September 2000, when the Moroccan delegation proposed "to work out a lasting and definitive solution that would take account of Morocco's sovereignty and territorial integrity" — would constitute programmed integration with the Kingdom of Morocco.

Algeria would like to reiterate its fundamental objections to the draft framework agreement, which, whatever the degree of autonomy it might give to the population of the Territory, is defective in that it conceals a reality that must be addressed — that the question of Western Sahara is one of decolonization — and would give one country sovereignty over a territory which it occupies unlawfully.

- With respect to the third option, Algeria, anxious to continue making a full contribution to the Personal Envoy's efforts to find a lasting solution to the question of Western Sahara on the basis of the principles of equity and justice, would like to reiterate that it remains ready to examine any proposal for a peaceful settlement that would take fully into account the legitimate national interests of the Saharan people.

- As for the fourth option, Algeria earnestly hopes for a just and lasting settlement of the question of Western Sahara that would enable the fraternal Moroccan and Saharan peoples to live in peace, stability and harmony, and permit the process of constructing the Arab Maghreb to resume its normal course and to reach natural fruition with the integration of all its peoples in a harmonious, united and prosperous whole. It considers that the United Nations must commit itself in a more decisive and resolute manner to a just and lasting settlement of the question of Western Sahara.

4. Eager to help ease tensions and to make its contribution to the settlement of the question of Western Sahara, Algeria, as a country observing the implementation of the settlement plan and as a neighbouring country, will continue its unconditional support for the efforts by the Secretary-General and his Personal Envoy to achieve a just and lasting settlement of the question of Western Sahara in accordance with international law. It calls on the United Nations and specifically the

Security Council to assume fully their responsibilities towards the Saharan people under the Charter of the United Nations.

I should be grateful if you would have this letter issued as a document of the General Assembly, under agenda item 18, and of the Security Council.

(*Signed*) Abdallah **Baali**
Ambassador